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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,524	04/18/2001	Eshwarahalli Sundararajan Pundarika	42297/SAH/P679	9457

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EXAMINER	
THEIN, MARIA TERESA T	
ART UNIT	**PAPER NUMBER**
3625	

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/838,524	PUNDARIKA ET AL.	
	Examiner	Art Unit	
	Marissa Thein	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 April 2001 and 10 September 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Applicant's "Preliminary Amendment" received on January 10, 2002 has been considered and entered.

Drawings

The drawings filed on April 18, 2001 are acceptable.

Claim Objections

Claims 14 and 29 objected to because of the following informalities:

"displaying a audio introduction" should be –displaying an audio introduction--.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-43 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

(1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory

subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

For example, claim 1 only recites an abstract idea. The recited steps of merely depicting graphical representations of product in a three-dimensional environment whereby a user may navigate within the environment does not apply, involve, use, or advance the technological arts since the recited steps can be performed in the mind of the user or by use of a pencil and paper. These steps only constitute an idea of displaying information in a three-dimensional environment.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention produces a three-dimensional environment (i.e., repeatable) used in displaying products (i.e., useful and tangible).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 25 and 48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 25 and 48 recite the limitation "wherein the displayed information" in pages 4 and 6. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-5, 11-16, 20, 22-31, 41, 44, and 46-48 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,026,376 to Kenney.

Regarding claim 1, Kenney discloses a method for displaying information on a visual display to simulate a three-dimensional arrangement, comprising:

- depicting graphical representations of products in a virtual three dimensional environment that simulates a brick and mortar store (see at least col. 1, line 63 – col. 2, line 9; col. 9, lines 34-38; Figure 4); and
- whereby a user may navigate within the environment and click upon individual products to focus on the individual product (see at least col. 3, lines 52-61; Figures 5-6; col. 7, lines 5-8).

Regarding claims 4-5, Kenney discloses searching for particular products using search criteria; organizing the products into categories; depicting the results of the search according to the categories in the virtual three dimensional environment; recategorizing the products; and displaying the products within the virtual three

dimensional environment according to the recategorization. (See at least Figures 5-6 and 8; col. 4, lines 1-19; col. 4, lines 35-38; col. 8, lines 41-50; col. 11, lines 35-58).

Regarding claims 11-16, Kenney discloses displaying advertisement with a product selected by the user (see at least col. 4, lines 2-5; col. 6, lines 34-39); the advertisement is responsive to collected information about the user (see at least col. 6, lines 34-59; col. 9, lines 20-23; col. 4, lines 20-24); displaying a video introduction about a product selected by the user (see at least col. 2, lines 53-62; col. 6, lines 34-39); displaying an audio introduction about a product selected by the user (see at least col. 10, lines 16-20); tagging a product for a special offer (see at least col. 6, lines 34-55); and storing and retrieving information associated with one or more products (see at least col. 4, lines 1-19).

Regarding claims 20 and 44, Kenney discloses a method and system for simulating a three-dimensional representation information comprising:

- arranging the information in a simulated brick-and-mortar store representation (see at least col. 1, line 63 – col. 2, line 9; col. 9, lines 34-38; Figure 4);
- navigating the brick-and-mortar store (see at least col. 3, lines 52-61; Figures 5-6); and
- examining one or more of the arranged information for more detailed information (see at least col. 3, lines 52-67; col. 4, lines 1-19; Figure 5-6).

Regarding claims 22-24 and 46-48, Kenney discloses grouping the arranged information based on a theme; searching the simulated brick-and-mortar store based on the theme; and arranging the displayed information based on the theme.

Regarding 25-31 and 41, Kenney discloses the displayed information is information about products (see at least Figures 5-6 and 8; col. 4, lines 1-19; col. 4, lines 35-38; col. 8, lines 41-50; col. 11, lines 35-58); displaying advertisement with a product selected by the user (see at least col. 4, lines 2-5; col. 6, lines 34-39; the displayed advertisement is responsive to collected information about the user (see at least col. 6, lines 34-59; col. 9, lines 20-23; col. 4, lines 20-24); displaying a video introduction about a product selected by the user (see at least col. 2, lines 53-62; col. 6, lines 34-39); displaying an audio introduction about a product selected by the user (see at least col. 10, lines 16-20); tagging a product for a special offer (see at least col. 6, line 34-55); storing and retrieving information associated with one or more products (see at least col. 4, lines 1-19); and creating a catalog of the displayed products (see at least Figure 5; col. 9, lines 19-29).

Claim Rejections - 35 USC § 103

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-3, 7, 17-19, 32-34, 38-43 and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,026,376 to Kenney in view of

U.S. Patent No. 5,957,695 to Redford. Regarding claims 2-3, 17, 19, 32-33, 38, 40-41, and 49, Kenney substantially discloses the claimed invention, however, Kenney does not disclose the product is a book; playing an audio rendition; displaying a page from a selected book; and printing a portion of a selected book. Kenney discloses a computer-implemented method of simulating movement of a shopper through a shopping facility to enable an individual to observe, inspect and select a product in the shopping facility through a computer (col. 2, lines 37-41). It is especially applicable to any merchandisers of consumer products including mass merchandisers of consumer goods such as variety or department stores and other similar stores selling many items (col. 4, lines 44-48). Redford, on the other hand, suggests the product is a book; playing an audio rendition; displaying a page from a selected book; and printing a portion of a selected book (see at least abstract; col. 3, lines 43-54; col. 3, line 61- col. 4, line; col. 8, line 64 – col. 9, line12; col. 9, lines 56-65; Figures 1C; 2A; 2b; col. 15, lines 36-38).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method and system of Kenney, to include the book, audio rendition; displaying a page; and printing, as taught by Redford, in order to provide a user to interactively access more detailed information about the product (book) (Redford col. 31, lines 46-49).

Regarding claims 7 and 34, the combination of Kenney and Redford substantially discloses the claimed invention, however, the combination does not disclose the audio rendition of the selected book to be played at a specified time". The audio rendition

played at a specified time does not patentably distinguish the claimed method because it imparts no structural or functional specificity, which serves to patentably distinguish the instant invention from the other time already disclosed by the combination of Kenney and Redford. Furthermore, applicant has not persuasively demonstrated that the audio rendition is to be plated at the specified time is critical or is anything more than one of the numerous times that the skilled artisan would have found suitable for the purpose taught by the combination of Kenney and Redford. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the specified time to play the audio rendition, such as the time taught by the combination of Kenney and Redford for the purpose of hearing the audio rendition.

Regarding claims 18 and 39, Kenney discloses the virtual lens (see at col. 5, lines 16-23; col. 9, lines 67 – col. 10, line 9).

Regarding claims 42-43 and 50-51, Redford discloses videos and CDs (see at least col. 5, line 63-col. 5, line 6; col. 50, lines 39-44).

Claims 6, 21 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,026,376 to Kenney in view of U.S. Patent No. 6,070,142 to McDonough et al. Kenney substantially discloses the claimed invention, however, it does not disclose the obtaining assistance regarding the product by accessing an information counter or help desk. McDonough, on the other hand, teaches the assistance regarding the product, as recited in the claims (see at least abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method and system to include the assistance of

obtaining information regarding the product, as taught by McDonough, in order to provide support all forms of customer interaction (McDonough col. 3, lines 41-43) and connects any customer to any resource through any access method at any customer location (McDonough col. 3, lines 37-40), thus providing efficiency and productivity (McDonough col. 3, lines 45-46)

Claims 8-10 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,026,376 to Kenney and U.S. Patent No. 5,957,695 to Redford in view of U.S. Patent No. 6,064,980 to Jacobi et al. The combination of Kenney and Redford substantially discloses the claimed invention, however, the combination does not disclose the collecting book review form a plurality of users; broadcasting the book reviews; and selecting on or more of the book reviews. The combination discloses a predetermined order frequency, which is determined by computing an average time between purchases of the same product (Kenney col. 11, lines 26-33). Jacobi, on the other hand, teaches the collecting book review form a plurality of users; broadcasting the book reviews; and selecting on or more of the book reviews (see at least col. 2, lines 17-44; col. 3, lines 16-29).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination of Kenney and Redford, to include the book reviews, as taught by Jacobi, in order to provide personalized recommendation of a book or product (Jacobi col. 1, lines 26-28) and to currently provide the most popular book or product (abstract).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,963,916 to Kaplan discloses a system for online user-interactive multimedia based point-of-preview.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 703-305-5246. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Smith can be reached on 703-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mtot
June 24, 2004

Jeffrey A. Smith
Primary Examiner